

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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LOU-LOU LAYENS,

Plaintiff,

-against-

AMBOY BUS. CO.,

Defendant.

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DEBORAH A. BATTIS, United States District Judge.

10 Civ. 9319 (DAB)
ADOPTION OF REPORT
AND RECOMMENDATION

This matter is before the Court upon the July 18, 2011 Report and Recommendation of United States Magistrate Judge Frank Maas (the "Report"). Judge Maas' Report recommends Defendant Amboy Bus Co.'s Motion to Dismiss be GRANTED. (Report at 14.) Pro se Plaintiff Loulou Layens has not filed any objections to Judge Maas' Report.

"Within fourteen days after being served with a copy [of a Magistrate Judge's Report and Recommendation], a party may serve and file specific written objections to the proposed findings and recommendations." Fed. R. Civ. P. 72(b)(2); accord 28 U.S.C. § 636(b)(1)(C). The district court may adopt those portions of the report to which no timely objection has been made, so long as there is no clear error on the face of the record. Wilds v. United Parcel Serv., Inc., 262 F.Supp.2d 163, 169 (S.D.N.Y. 2003). "[F]ailure to object timely to a magistrate's report operates as a waiver of any further judicial review of the magistrate's decision." Caidor v. Onondaga County, 517 F.3d 601,

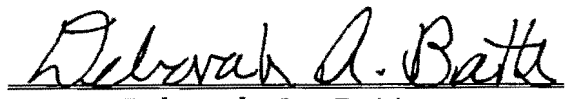
604 (2d Cir. 2008) (quoting Small v. Sec. of HHS, 892 F.2d 15, 16 (2d Cir. 1989)). This rule applies to pro se parties so long as the magistrate's report "explicitly states that failure to object to the report within [fourteen (14)] days will preclude appellate review..." Small, 892 F.2d at 16.

Despite being advised of the procedure for filing objections in Judge Maas' Report, and warned that failure to file objections would waive objections and preclude appellate review, (Report at 14-15), Plaintiff has filed no objections to the Report. Nor has any Defendant filed objections to the Report.

Having reviewed the Report, and finding no clear error on the face of the record, see 28 U.S.C. § 636(b)(1)(B), it is hereby ORDERED AND ADJUDGED that the Report and Recommendation of United States Magistrate Judge Frank Maas, dated July 18, 2011, be and the same hereby is APPROVED, ADOPTED, and RATIFIED by the Court in its entirety. Defendant's Motion to Dismiss is hereby GRANTED, WITH PREJUDICE. The Clerk is DIRECTED to transmit a copy of this Order to the Pro Se Plaintiff and close the docket in this case.

SO ORDERED.

Dated: New York, New York
August 19, 2011


Deborah A. Batts
United States District Judge